

Pender County Planning and Community Development

Planning Division

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MINUTES

**Pender County Planning Board Meeting
February 5, 2013 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Boney called the meeting to order at 7:00 pm.

Roll Call: Chairman Boney

Pender County Planning Board Members:

Boney: Williams Baker: Edens Marshburn: McClammy: Nalee

- 1. Election of Officers: Chairman/Vice-Chairman:** Chairman Boney turned the floor over to Attorney Thurman to proceed with the election of officers. Attorney Thurman instructed the Board that the floor would open for nominations for Chairman, followed by nominations for Vice-Chairman and reminded the Board that a nomination did not need a second and the person nominated did not have to accept the nomination. Attorney Thurman declared the floor open for nominations for the Chairman of the Pender County Planning Board. Board member Williams nominated Board member Boney as Chairman; with no other nominations for Chairman, Attorney Thurman closed the floor for nominations and held a vote. The vote was unanimous. Attorney Thurman declared the floor open for nominations for the Vice-Chairman of the Pender County Planning Board. Board member McClammy nominated Board member Marshburn as Vice-Chairman; with no other nominations for Vice-Chairman, Attorney Thurman closed the floor for nominations and held a vote. The vote was unanimous. Attorney Thurman congratulated the new officers and turned the meeting over to Chairman Boney.
- 2. Adoption of the Agenda:** Board member Williams made the motion to adopt the agenda; seconded by Board member Marshburn. The vote was unanimous.
- 3. Adoption of the Minutes:** Board member Nalee made the motion to adopt the minutes from the January 8, 2013 meeting; seconded by Board member Williams. The vote was 5 in favor of the motion with Board member Baker abstained.
- 4. Public Comment:** Chairman Boney opened the floor to public comment; the floor was closed for public comment due to no sign ups.

(Public Hearing Opened)

5. Master Development Plan:

Signature Pender County NC, LP, applicant, on behalf of Donald Wayne Batson, owner, is requesting the approval of a master development plan for a major subdivision. The request consists of developing 45 single family residential lots on approximately ±23.14 acres. The proposed project is located along the north side of Sloop Point Loop Road (SR 1563), south of Doral Drive (SR 1693) (across from North Topsail Elementary School) in Hampstead. The property is zoned RP, Residential Performance District and may be identified as Pender County PIN: 4214-10-2345-0000. Planner

Frank presented and gave background information for agenda item 5, stating that the applicant would like to pay the required fee in lieu of a recreational unit. Chairman Boney asked if the applicant or engineer had any comments they would like to make to the Board. David Greer, Developer, stated that he was happy to be before the Board since there hasn't been much building in the past few years and stated that the property was perfect for development. Chairman Boney opened the floor for discussion from the Board. Board member Baker asked Planning staff why there was only one proposed entrance and exit to the development and wasn't it a requirement for emergency purposes to have a second entrance and exit; Planner Frank responded that she did not believe there was a direct requirement to have two, that the applicant was proposing one at this time with a stub out for future development and connectivity. Board member Baker asked if the stub out was open for emergency vehicle use; Planner Frank answered no, that it would be a temporary cul-de-sac but, emergency vehicles would be able to use it to turn around if needed. Board member Baker stated that he was more interested in the entrance and exit of the development and referenced the development Egel's Watch, which was required to have two entrances and exits; Planner Frank stated that Egel's Watch was a Planned Development (PD) District and the Board had more flexibility in design approvals; since this development was taking place in a Residential Performance (RP) District there was no requirement for more than one entrance and exit; Planner Frank deferred the subject to the Planning Director and County Attorney. Director Breuer stated that the Unified Development Ordinance (UDO) does not require more than one entrance or exit in the Residential Performance (RP) District, which is the reason the Master Development Plan was sent to the Fire Marshall for comments, which no comments were received. Board member Baker stated that he seen there were no comments from the Fire Marshall, but wouldn't the responsible Fire Department review the plan to make sure their vehicles would be able to navigate through the development; Director Breuer answered that the responsibility would fall to the Fire Marshall. Attorney Thurman added that it was deemed the responsibility of the Fire Marshall due to the variety of staffing throughout the County's fire departments, so the lack of comments received from the Fire Marshall should mean that he had no problem with the proposal. Board member Baker asked Attorney Thurman, that as an attorney, wouldn't he be more comfortable if the Fire Marshall responded that the proposal meets the requirements instead of "no comments"; Attorney Thurman answered as a person not just an attorney, that he would be more comfortable with a response verses no comment, however the County cannot make some members of the Technical Review Committee respond. Attorney Thurman stated that the Fire Marshall would be contacted to confirm in writing that he reviewed the plan and that there were no issues. Director Breuer stated that staff would follow up with the Fire Marshall. Board member Williams asked Planner Frank what the intention was for the parcels to the west of the site since they were not included on the proposed plan; Planner Frank responded that at this time the applicant had submitted a preliminary subdivision plan that is under review by staff that will create a division of land. Board member McClammy stated to the Chairman that he had a couple of questions for the applicant regarding comments that were received from neighbors of the development which could not attend the hearing; Board member McClammy stated that the neighbors asked if the developer had considered installing a buffer at the back of the development which adjoined their neighborhood; how would drainage on the new development be handled and how would the traffic be affected with a new development. Chairman Boney clarified the comments/questions from the neighbors and asked the applicant to start his responses with the drainage comments; David Greer, Developer, responded that in regards to drainage, the property currently had drainage ditches that ran along the perimeter of the property and the intention was to clean and open the ditches since they have not been cleaned in over ten years which will drain the property correctly and assist in the draining of the surrounding properties; in response to the buffers, Mr. Greer stated that the property had an existing tree line around all three sides of the property which would be a natural buffer, the option of fencing would be available for the home buyers, which would be a style chosen by the developer for the purpose of conformity. Director Breuer asked Mr.

Greer for clarity purposes it was not the intention to remove the trees; Mr. Greer answered no. In response to the neighbor's question regarding any traffic issues the development might cause, Mr. Greer replied that knowing the school's location it was the intent to have the entrance of the development further away from the entrance of the school, the plan was sent to the Department of Transportation and they were ok with the plan; Mr. Greer concluded that he did not see a major traffic issue that he felt the most traffic was during the time of school drop off and pick up, which he felt most residents would be at work. Director Breuer added that at this point staff had not received any comments stating that there would be any requirements for offsite improvements to the development's road network. Chairman Boney asked if there were anyone from nearby communities who wished to make any comments; Planner Frank stated that staff had received three written request, two which were via email and that she would let the Director explain; Director Breuer stated that through conversation with the County Attorney it would be acceptable for the Board to address the written request without the persons being present and that there was also sign ups present. Chairman Boney asked if there were any other questions from the Board at this time; Board member Baker stated that he would like to make a comment regarding the traffic issue; Board member Baker continued stating that he had a meeting with the assistant principal of the school regarding the development; and in his humble opinion, he saw no problem regarding traffic since the school had a nice setup for the drop off and pick up of students. Chairman Boney opened the floor for any public comments; Landen Edwards, President of Middle Point Home Owner's Association, stated that he realized after listening to some of the comments that the Department of Transportation had signed off on the development however; there were still some concerns from the residents of Middle Point that he would at least like to get on record. Mr. Edwards stated that it was to his understanding that the Department of Transportation had it in their plans for quite some time to do some drainage improvements in the area, and with those proposed improvements the residents of Middle Point feel there would be an increase of storm water across the frontage of the neighborhood. With that being said, the plans to the new development show a detention pond at the most southern end of development which causes flooding concerns and the residents would like to know what provisions, if any, have the developer taken for hundred year type rains, Mr. Edwards continued that another concern was the increase in traffic, Mr. Edwards stated that he understood through the earlier conversations that the Department of Transportation did not see a problem but, the residents would like to see more conversation regarding the development's entrance or the use of a service road. Mr. Edwards concluded by asking if the community would have a Home Owners Association and if there was a minimum of the square footage of the homes that would be built; Chairman Boney stated that he felt that was a question for staff and asked Director Breuer to respond; Director Breuer stated that staff did not regulate the square footage of homes but, did require a Home Owner's Association. David Greer, Developer, responded that as far as the square footage of the homes there was not a set minimum but, the homes would be at least two thousand square feet and in regards to the concerns of flooding, the improvement plans of the Department of Transportation would surely make the flow of storm water to the creek better and that the Development's engineer would design the detention pond to meet NC DENR Division of Water Quality's criteria. Garry Pape, GSP Consulting, project engineer, explained that NC DENR Division of Water Quality looked at the first inch and a half of rainfall that hit the ground as what would need to be treated, which meant the detention pond would be designed to handle the storm water in a manner to leave the site has it was before development. Chairman Boney asked if there were any more comments form staff or the general public, Attorney Thurman stated that there was one more sign up, Art Dayton; Mr. Dayton stated that he had no comments; since there were no further comments Chairman Boney closed the public hearing. Board members held a brief discussion and Chairman Boney asked if there were any motions.

Board member Williams made the motion to approve the Master Development Plan as presented; seconded by Board member Marshburn. The vote was unanimous.

(Public Hearing Closed)

6. Discussion Items:

a. Planning Staff: Director Breuer introduced new staff member Ed McCarthy, which filled the Planner I position. Director Breuer also reminded the Board that staff would hold a work session on March 5, 2013 at 6:00 pm prior to the Planning Board meeting.

b. Planning Board Members: Chairman Boney welcomed the new Board members and offered his assistance in any manner they may need.

7. Adjournment: Meeting adjourned at 8:30 pm.